

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GKN DRIVELINE NEWTON LLC,

Plaintiff,

v.

Case No. 21-cv-11945
Hon. Matthew F. Leitman

ELECTRICFIL DE MEXICO S.A. DE C.V.,

Defendant.

/

**ORDER DENYING WITHOUT PREJUDICE DEFENDANTS' MOTION TO
DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT (ECF No. 35)**

On April 25, 2024, the Court held a hearing on Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint. In that motion, Defendants argued, among other things, that (1) the Court lacks personal jurisdiction over Defendant Electrofil Automotive, Electricfil S.A. ("EFI-France"), (2) the First Amended Complaint fails to state any viable claims against EFI-France, and (3) all of the claims in the First Amended Complaint fail as a matter of law to the extent that they rest upon an alter ego theory. For the reasons explained on the record, the Motion is **DENIED WITHOUT PREJUDICE**. In connection with the denial, the Court rules as follows:

1. The Court will defer any ruling on whether EFI-France is subject to personal jurisdiction in this forum. The parties may conduct jurisdictional discovery

on the question of whether EFI-France is subject to personal jurisdiction here. For the sake of judicial efficiency, that discovery shall be conducted at the same time as all other discovery in this action. At the close of discovery, EFI-France may re-assert its challenge to personal jurisdiction. EFI-France's participation in discovery shall not be deemed a waiver of its challenge to personal jurisdiction.

2. Also at the close of discovery, all Defendants may renew their arguments that Plaintiff's claims fail as a matter of law to the extent that the claims rest upon an alter ego theory of liability.

3. EFI-France shall file an Answer to the First Amended Complaint. As agreed to by all parties on the record, the filing of that Answer shall not be deemed a submission to personal jurisdiction in this forum and shall not be deemed a waiver of any challenge to personal jurisdiction. The sole and limited purpose of the Answer shall be to identify for Plaintiff those allegations that EFI-France disputes and the affirmative defenses that EFI-France intends to raise.

4. The Court will enter a separate Case Management Order setting dates to be observed in this action.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: April 25, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 25, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126